

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

SHARON ELIZABETH AVERY,)	
)	
Plaintiff,)	
)	
v.)	No. 3:04-CV-312
)	(Guyton)
IDLEAIRE TECHNOLOGIES)	
CORPORATION,)	
)	
Defendant.)	

ORDER

This case is before the undersigned pursuant to 28 U.S.C. s 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment. [Doc. 40].

For the reasons set forth in the Memorandum Opinion, filed simultaneously herewith, the Court finds that summary judgment in favor of the defendant IdleAire Technologies Corporation is proper with respect to the plaintiff's failure to promote claims, her claims that she was terminated due to her age and gender, and her state law claims for outrageous conduct and negligent infliction of emotional distress. The Court finds that there are genuine issues of material fact which preclude summary judgment with respect to the plaintiff's hostile work environment claim and her retaliation

claim. Accordingly, the defendant's Motion for Summary Judgment [**Doc. 80**] is **GRANTED IN PART and DENIED IN PART.**

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge